

**BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C. 20554**

In The Matter Of	)	
	)	
AT&T Petition to Launch a Proceeding	)	GN Docket No. 12-353
Concerning the TDM-to-IP Transition	)	
	)	
Petition of the National Telecommunications	)	
Cooperative Association for a Rulemaking to	)	
Promote and Sustain the Ongoing TDM-to-IP	)	
Transition	)	

**COMMENTS OF  
THE UNITED STATES TELECOM ASSOCIATION**

The United States Telecom Association (USTelecom)<sup>1</sup> submits these comments in response to the Federal Communications Commission's (Commission) public notice (Notice) regarding the above referenced petitions.<sup>2</sup>

**I. DISCUSSION**

On November 7, 2012, AT&T filed a petition asking the Commission to consider conducting, for select wire centers, trial runs of the transition to next-generation services, including the retirement of time-division multiplexed (TDM) facilities and offerings and their replacement with IP-based alternatives. This petition should hardly be controversial. The Commission itself has recognized for quite some time that the legacy public switched telephone network (PSTN) eventually needs to give way to IP-based networks in order for all Americans to realize the full benefits of IP-enabled broadband services. Indeed, the Commission has expressly

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<sup>1</sup> USTelecom is the premier trade association representing service providers and suppliers for the telecommunications industry. USTelecom members provide a full array of services, including broadband, voice, data and video over wireline and wireless networks.

<sup>2</sup> See Public Notice, *Pleading Cycle Established on AT&T and NTCA Petitions*, DA 12-1999 (December 14, 2012) (*Notice*).

stated that accelerating this transition to all IP-networks is a primary goal of the agency in order to bring these benefits to consumers. And Chairman Genachowski recently reinforced the importance of the very same questions posed by AT&T's petition in establishing the Technology Transition Policy Task Force and tasking it to "conduct a data-driven review and provide recommendations to modernize the Commission's policies in a process that encourages the technological transition, empowers and protects consumers, promotes competition, and ensures network resiliency and reliability."<sup>3</sup>

In a related petition, the National Telecommunications Cooperative Association (NTCA) requests that the Commission examine its legacy common carrier rules and to quickly eliminate those that no longer make sense in an IP-enabled environment.<sup>4</sup> Again, the elimination of legacy regulations in light of the rapid competitive and technological changes currently upending the telecommunications marketplace should not be controversial. As the *National Broadband Plan* emphasized, existing regulatory policies that require a limited sub-set of carriers to maintain outdated technologies are contrary to public interest both because such policies are unsustainable and because they "siphon investment away from new networks and services."<sup>5</sup>

These petitions both serve the purpose of starting the debate on the key issues facing the industry. AT&T's petition focuses on the importance of a forward-looking, data-driven Commission effort to understand the technological and policy implications of the transition from

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<sup>3</sup> FCC Press Release, *FCC Chairman Julius Genachowski Announces Formation of 'Technology Transitions Task Force'*, p. 1, December 10, 2012.

<sup>4</sup> Petition of the National Telecommunications Cooperative Association for a Rulemaking to Promote and Sustain the Ongoing TDM-to-IP Evolution, GN Docket No. 12-353, p. ii (filed Nov. 19, 2012) (*NTCA Petition*).

<sup>5</sup> FCC Report, *Connecting America: The National Broadband Plan*, p. 59 (March 16, 2010) (*National Broadband Plan*) (available at: <http://www.broadband.gov/download-plan/>) (visited January 22, 2013).

TDM to IP-based networks and services in order to set policies that further the Commission's stated goal of accelerating investment in, and deployment of, IP-networks for the benefit of consumers. And NTCA's Petition – consistent with two pending petitions filed with the Commission by USTelecom<sup>6</sup> – focuses on the importance of eliminating legacy PSTN regulations that are no longer necessary in order “to promote and sustain the evolution of networks to IP” and provide “appropriate incentives for the deployment and maintenance of IP-enabled networks.”<sup>7</sup>

#### **A. AT&T's Petition**

The AT&T Petition requests that the Commission open a proceeding “to facilitate the ‘telephone’ industry’s continued transition from legacy transmission platforms and services to new services based fully on [IP].”<sup>8</sup> Specifically, AT&T requests that the Commission consider conducting trials where certain equipment and services are retired and IP-based services are offered. These geographically limited trial runs, conducted after a public comment period on how they should be carried out, would help “guide the Commission’s nationwide efforts to facilitate the IP transition.”<sup>9</sup> Such an approach, AT&T notes, will “enable the Commission to consider, from the ground up and on a competitively neutral basis, what, if any, legacy regulation remains appropriate after the IP transition.”<sup>10</sup>

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<sup>6</sup> See, Petition of USTelecom for Forbearance Pursuant to 47 U.S.C. § 160(c) from Enforcement of Certain Legacy Telecommunications Regulations, WC Docket No. 12-61 (filed Feb. 16, 2012); see also, Petition of USTelecom for Declaratory Ruling that Incumbent Local Exchange Carriers Are Non-Dominant in the Provision of Switched Access Services, WC Docket No. 13-3, pp. 40 - 43 (filed Dec. 19, 2012) (*USTelecom Non-Dominance Petition*).

<sup>7</sup> *NTCA Petition*, p. 16.

<sup>8</sup> AT&T Petition to Launch a Proceeding Concerning the TDM-to-IP Transition, GN Docket No. 12-353, p. 1 (filed Nov. 7, 2012) (*AT&T Petition*).

<sup>9</sup> *AT&T Petition*, p. 20.

<sup>10</sup> *Id.*, p. 22.

The idea that the Commission should conduct real-world trials in order to better inform itself as to the technological and policy implications of the IP-transition is a way the Commission can continue its commitment to data-driven policymaking. The Commission itself has urged carriers to “begin planning for the transition to IP-to-IP interconnection” and the Commission-guided trials urged by AT&T would facilitate this effort.<sup>11</sup>

In particular, the AT&T Petition offers an opportunity for the Commission and state regulators to conduct informative, but geographically limited, trial runs for regulatory reform in discrete wire centers. AT&T correctly notes that such an approach will enable the Commission to “consider, from the ground up and on a competitively neutral basis, what, if any, legacy regulation remains appropriate after the IP transition.”<sup>12</sup> These trials would also give the Commission an opportunity to evaluate the potential effects of the IP transition on the delivery of services, and to ensure that the interests of consumers are served by the transition to IP.

Moreover, the geographically limited nature of the tests is consistent with the Commission’s stated desire to conduct rigorous, data-driven analyses to inform its regulatory decisions. Indeed the test-bed proposal envisioned in the AT&T Petition is identical to recent Commission efforts focused on technological transitions. For example, prior to the nation’s transition from analog to digital broadcast networks, the Commission conducted tests in the Wilmington, North Carolina market in order to identify issues and areas of concern prior to the nationwide rollout.<sup>13</sup> More recently, the Commission announced a series of discrete pilot

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<sup>11</sup> Report and Order and Further Notice of Proposed Rulemaking, *Connect America Fund*, 26 FCC Rcd 17663, FCC 11-161, ¶ 1010 (rel. Nov. 18, 2011) (*Universal Service Reform Order*).

<sup>12</sup> *AT&T Petition*, p. 22.

<sup>13</sup> See, FCC News Release, *DTV Transition Premiers in Wilmington, North Carolina*, May 8, 2008.

programs for its broadband adoption Lifeline program.<sup>14</sup> There, as here, a test-bed approach to an issue as complex as the IP transition will provide the Commission with “high-quality data” to inform its ultimate decisions on how best to promote the transition.<sup>15</sup>

In addition, the proposed test-bed effort could complement and enhance the efforts of the Commission’s recently announced Technology Transitions Task Force. Since the stated purpose of the Technology Transitions Task Force is to answer the “fundamental policy question for communications in the 21st century” (*i.e.*, the IP transition), the test-bed approach proposed in the AT&T Petition will provide the task force with invaluable real-time data to inform the Commission’s analysis.

## **B. NTCA’s Petition**

NTCA’s petition specifically identifies discontinuance reports and equal access obligations as just two examples of legacy regulations that have “questionable utility in serving the objectives of the Act in light of shifts in the communications market.”<sup>16</sup> USTelecom agrees with these examples – and, indeed, these were two of the seventeen groups of PSTN-centric regulations included in its Forbearance Petition filed last year.<sup>17</sup> Each of the rules identified in that petition are vestiges of a bygone era – an era when telephone companies only offered circuit-

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<sup>14</sup> Order, *Lifeline and Link Up Reform and Modernization*, DA 12-2045 (released December 19, 2012).

<sup>15</sup> *Id.*, p. 1.

<sup>16</sup> *NTCA Petition*, p. 9.

<sup>17</sup> Public Notice, *Pleading Cycle Established for Comments on United States Telecom Association Petition for Forbearance from Certain Telecommunications Regulations*, pp. 1 – 2, DA 12-352 (released March 8, 2012). In fact, USTelecom has a pending declaratory ruling petition seeking the elimination of equal access scripting obligations that was filed with the Commission in 2008. *See*, Petition of the United States Telecom Association for Waiver from Application of the Equal Access Scripting Requirement, WC Docket No. 08-225 (filed Nov. 10, 2008); *see also*, Public Notice, *Wireline Competition Bureau Seeks Comment on Petition of United States Telecom Association for Waiver from Application of the Equal Access Scripting Requirement Pleading, Cycle Established*, DA 09-1816, WC Docket No. 08-225 (Aug. 14, 2009).

switched services and consumers could only buy local voice service from their incumbent local exchange carrier.

And more recently, USTelecom has filed a petition for declaratory ruling that ILECs are no longer dominant in providing “switched access services”.<sup>18</sup> Again, such fixed-location, voice-centric rules simply make no sense in light of extensive competition from multiple wireless and wireline-based IP alternatives.

## **II. CONCLUSION**

The ways in which people communicate are undergoing a transformational change. The transition from TDM to IP-based networks is the single most profound telecommunications development of the past twenty years. As the Commission has already acknowledged in several contexts, including its recent creation of the Technology Transition Policy Task Force, understanding and eliminating regulatory barriers to this transition are essential steps the Commission can take to accelerate the deployment of these networks to the great benefit of American consumers.

Accordingly, the Commission should move rapidly to implementing the proceedings and trials urged by AT&T, while simultaneously eliminating unnecessary legacy regulations by granting the pending USTelecom petitions.

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<sup>18</sup> See, *USTelecom Non-Dominance Petition*.

Respectfully submitted,

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